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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,631	03/28/2006	Giovanni Nicolosi	3652	5667
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743	06/30/2008		EXAMINER RAMSEY, JEREMY C	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 06/30/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/573,631	NICOLOSI, GIOVANNI	
	<b>Examiner</b>	<b>Art Unit</b>	
	JEREMY C. RAMSEY	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 April 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) 3 and 6-9 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2 and 5 is/are rejected.  
 7) Claim(s) 4 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>28 MAR 06</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species III, Claims 1, 2, 4 and 5 in the reply filed on April 16, 2008 is acknowledged.

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: Claim 2, lines 1-2 read " System as in claim 1, characterized in that, in the oblong body". There is no antecedent basis for "the oblong body". The examiner presumes this should read --an oblong body--. Appropriate correction is required.

2. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because the multiple dependent claim is based on multiple claims (1 AND 2) and not alternate claims (i.e, 1 OR 2). See MPEP § 608.01(n). Accordingly, claim 4 has not been further treated on the merits.

3. Claim 5 is objected to because of the following informalities: Claim 5, line 8 reads "threaded bush (225". The examiner presumes this should read --threaded bushing (225)--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2,4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, in claim 1, applicant claims channel-shaped bar and a plain blind. Examiner does not know how the channel-shape is defined or what defines "plain" blind as well. Claim 1 also states that the frame is "consisting of" bar and corner pieces which is a closed phrase. However applicant further includes the kinematic mechanism to be part of the frame in claim 2. Are 'devices' and 'pulling devices' different? This is very confusing. In claim 4, applicant claims a pulling device and a device. It is confusing as to whether or not these are different or the same. Claim 5 includes a "shaped bar" and a "bar". It is also unclear whether these are the same or different bars. It is unclear what is "pressed by the threaded bush" in claim 5 as well.

What other end?? What end has been disclosed to make something the other end?

Claim 5 – has one pulling device, and then a pulling device. If they are different, they need distinct names -- 1st and 2nd, upper and lower, whatever -- but they can't both be called the same thing. Same problem with 'shaped bar' and 'bar' – 2<sup>nd</sup> occurrence of bar should be called 'unshaped bar' or something – a bar is confusing. Claim 5 ends with 'a pulling device – but antecedent basis problem – a pulling device already in claim 1, and maybe multiple pulling devices in claim 1.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3634

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Saint Gobain FR 1,313,315.

7. In re claim 1, with reference to Figures 1,2 and 6 Saint Gobain '315 discloses a system for operating a plain blind comprising:

- A chamber enclosed by panes of glass (1)(2) surrounded by a frame (3) consisting of channel shaped bars and four corner pieces (12).
- One end being fixed to a blind roller (4) characterized in that the blind (6) is subjected to pulling action by devices (8)(9) acting on its other end.

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Gobain FR 1,313,315 in view of Petro 1,274,768.

10. In re claim 2, the system of Saint Gobain '315 has been discussed above but fails to disclose:

- An oblong body of one corner piece is a kinematic mechanism comprising a pair of coplanar pinions meshing with an intermediate idler pinion

aligned inside a cavity between to opposing walls of said oblong body, containing shaped axial holes surrounded on both faces by collars freely turning within the holes on the two walls of the oblong body, there being in the holes of the first and second pinions, terminal pins which corresponds to the holes of the pulling devices acting on the roller.

11. With reference to Figure 1, 2 and 3 Petro '768 discloses:

- A kinematic mechanism comprising a pair of coplanar pinions (11)(10) aligned inside a cavity between to opposing walls of said oblong body (3)(14), containing shaped axial holes surrounded on both faces by collars (bearings 4,5) freely turning within the holes on the two walls of the oblong body, there being in the holes of the first and second pinions, terminal pins (12)(8) which corresponds to the holes of the pulling devices acting on the roller.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the kinematic mechanism as taught by Petro '768 in order to allow the spring to be mounted adjacent to the roller such that should the spring break or get out of order it can be replaced or repaired. (column 1, lines 23-28)

12. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to include a third idle pinion between the first and second pinion in order to provide a greater or lower gearing affect as would be known in the art and since it has been held that mere duplication of the essential working parts of a

device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Gobain FR 1,313,315 in view of Myers et al 3,186,473.

14. In re claim 5, the system of Saint Gobain '315 and discloses:

- A center bar (24) fixed to the second end of the blind

Saint Gobain '315 fails to disclose:

- The pulling device operating on the second end presents a shaped bar fixed to a first end of a cord roller that winds round itself a cord hooked to the center of a bar fixed to the second end of the blind.
- Said cord roller pressed by a threaded bushing fixed to the second end of said cord roller that screws into a threaded bar fixed to the frame.

15. With reference to Figure 1, Myers et al '473 discloses:

- The pulling device operating on the second end presents a shaped bar (62) fixed to a first end of a cord roller (37) that winds round itself a cord (43) hooked to the center of the second end of the blind.
- Said cord roller (37) pressed by a bushing (59) fixed to the second end of said cord roller (37, that fits into a bar (45) fixed to the frame.

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the pulling device operating on the second end as taught by Myers et al '473 provide a means for pulling the blind by an electric motor winding the roller.

17. The examiner takes Official Notice that it would be known in the art to use a threaded connection between the bushing and the bar instead of a friction fit in order to provide a more secure connection between them.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hartshorn 64,101, Sloop et al 4,766,941, Wang 5,172,745, and van der Zanden 4,979,552.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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